IN THE HIGH COURT OF UTTARAKHAND
AT NAINIATL

Writ Petition No. 848 (SS) of 2007

Ms. Deepika Negi,
W/o Sri Kailash Singh Negi,
R/o near Nanda Devi Temple,
Lal Bazar, Almora. **……..Petitioner.**

Versus

1. State of Uttarakhand, through Director, Vidyalayi Shiksha Nideshayal, Dehradun.
2. District Education Officer, Almora.
3. Additional District Education Officer (Basic), Almora.

……..Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri H.V. Shah, learned counsel for the petitioner and Sri. N.P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, the petitioner has challenged order dated 11.06.2007 passed by respondent no. 3 by which petitioner has been transferred from Primary School, Salla to Primary School, Timory, Bhaisiyachhana.

Petitioner has challenged this transfer order on the ground that her husband is working as Company commander in Border Security Force and presently is posted in Indo Bangladesh Border.

The submission of learned counsel for the petitioner is that Ministry of Home Affairs, Government of India, has issued circular dated 30.06.1983 by which it is desired that proper attention to the problems of family members of servicemen, who are posted in border areas or difficult situation may be given by the State of Government.

Petitioner has drawn my attention towards order dated 13.05.2005 passed by District Basic Education Officer, Almora, (annexure no. 6 to the writ petition) by which one Smt. Madhuri Latwal has been transferred to suitable place, by giving benefit of the aforesaid circular dated 30.06.1983.

Learned counsel for the petitioner has submitted that petitioner has requested the respondents number of times to give benefit of the aforesaid Circular to the petitioner by transferring her to suitable place, however, respondents have not paid any heed.

In these circumstances, I directe the petitioner to make representation, raising all her grievances, before District Education Officer, Almora and serve the certified copy of this order before District Education Officer, Almora within a period of two weeks from today and District Education Officer, Almora is directed to take decision on the representation of the petitioner, so made, within a period of three weeks from the date of production of certified copy of this order along with representation and may pass appropriate order giving benefit of the aforesaid circular to the petitioner, by adjusting her to suitable place.

Till the decision is taken by District Education Officer, Almora, on the representation of the petitioner, petitioner shall not be relieved from the present place of posting.

With this direction, writ petition as well as stay application no. nil of 2007 is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

July 13, 2007
SKS